

Emergency Bill No. 20-00
Concerning: Board of Health -
Designation
Revised: 7-27-00 Draft No. 4
Introduced: June 27, 2000
Enacted: August 1, 2000
Executive: August 10, 2000
Effective: August 10, 2000
Sunset Date: None
Ch. 25, Laws of Mont. Co. 2000

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Subin and Councilmembers Leggett, Andrews, and Ewing

AN EMERGENCY ACT to:

- (1) reaffirm that the County Council acts as the County Board of Health and has all the powers of a local board of health under state and County law;
- (2) confirm that the County Council, sitting as the Board of Health, need not follow certain administrative procedures when adopting regulations; and
- (3) generally amend County law regarding the composition, authority, and duties of the Board of Health.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-65

Chapter 2A, Administrative Procedures Act
Section 2A-12

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 2-65 and 2A-12 are amended as follows:**

2 **2-65. Board of health [created] designated.**

3 [There is hereby established a county board of health which shall have and
4 exercise all the powers of a local board of health as provided in article Health-
5 General, title 3, subtitle 2, Annotated Code of Maryland, 1957, as amended. The
6 county council is hereby designated as the county board of health.]

7 (a) The County Council is, and may act as, the County Board of Health.

8 (b) When meeting as the Board of Health, the County Council has all the
9 powers delegated to a local board of health under State and County
10 law.

11 (c) The County Council, meeting as the Board of Health, may adopt any
12 regulation which a local board of health is authorized to adopt.

13 Before it adopts a regulation, the Board must hold a public hearing
14 after giving reasonable notice, as specified in the Council Rules of
15 Procedure, to each municipality in the County and the public.

16 **2A-12. [Declaration of policy and legislative intent] Policy and scope of**
17 **Article.**

18 (a) *Purpose.* It is the purpose of this Article to prescribe a single and
19 consistent procedure for the adoption, review and repeal of
20 regulations, and to provide a uniform procedure for their public
21 notification and compilation.

22 (b) *Scope.* Unless otherwise provided, this Article applies to all
23 regulations. However, this Article does not apply to the County
24 Council, meeting as the Board of Health, when it adopts a regulation.

25 **Sec. 2. Emergency Effective Date.** The Council declares that an
26 emergency exists and that this legislation is necessary for the immediate protection
27 of the public health and safety. This Act takes effect on the date on which it

28 becomes law.

29 *Approved:*

30	/S/	8/3/00
<hr/>		
	Michael L. Subin, President, County Council	Date

31 *Approved:*

32	/S/	8/10/00
<hr/>		
	Douglas M. Duncan, County Executive	Date

33 *This is a correct copy of Council action.*

34	/S/	8/14/00
<hr/>		
	Mary A. Edgar, CMC, Clerk of the Council	Date